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IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF UTAH

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UNITED STATES OF AMERICA,  
Plaintiff,

v.

MAKASINI LOMU,  
Defendant.

MEMORANDUM DECISION AND  
ORDER DENYING DEFENDANT'S  
RENEWED MOTION IN SUPPORT OF  
IMMEDIATE RELEASE UNDER FIRST  
STEP ACT

Case No. 2:17-CR-335 TS

District Judge Ted Stewart

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This matter is before the Court on Defendant's Renewed Motion in Support of Immediate Release Under First Step Act. The Court previously denied Defendant's request for release, concluding that Defendant had failed to demonstrate extraordinary and compelling reasons to warrant a sentence reduction and release was not consistent with the Court's consideration of the 18 U.S.C. § 3553(a) factors.<sup>1</sup> The Court remains convinced that Defendant's release does not comport with the consideration of the § 3553(a) factors for substantially the same reasons already stated.<sup>2</sup>

It is therefore

ORDERED that Renewed Motion in Support of Immediate Release Under First Step Act (Docket No. 1037) is DENIED.

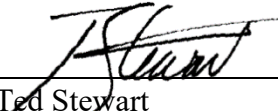
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<sup>1</sup> Docket No. 998.

<sup>2</sup> Moreover, to the extent that Defendant's Motion was based on her concern of contracting COVID-19, that portion of her Motion is now moot based on her recent positive diagnosis. *See United States v. Read-Forbes*, 843 F. App'x 131, 134 (10th Cir. 2021) (dismissing appeal from denial of compassionate release as moot where appellant tested positive for COVID-19 after filing her appeal).

DATED this 1st day of February, 2022.

BY THE COURT:



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Ted Stewart  
United States District Judge